

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY BROWN,

Plaintiff,
-against-

NEW YORK CITY & DEPT OF CORRECTION
OF NYC,

Defendants.

23-CV-5758 (LTS)

ORDER TO UPDATE
ADDRESS

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff was detained at the Anna M. Kross Center on Rikers Island under B & C number 3492300547 when he filed this action. On March 13, 2024, a search of the New York City Department of Correction (“DOC”) Inmate Lookup Service, using Plaintiff’s B & C number, revealed that he is not currently detained by the DOC. *See* <https://a073-ils-web.nyc.gov/inmatelookup/pages/home/home.jsf> [<https://perma.cc/HWL8-YE3C>] (last visited March 13, 2024). A name search, however, revealed that there is currently an individual named Anthony Brown detained by the DOC under B & C number 2412301011. It is unclear whether this is the same individual who filed this action, and Plaintiff has not notified the court of a change of mailing address nor initiated any further contact with the court, written or otherwise.

As set forth below, Plaintiff is directed to provide an updated address to the court within 30 days of the date of this order.

DISCUSSION

Under Rule 41(b) of the Federal Rules of Civil Procedure, a district court may dismiss an action *sua sponte* for failure to prosecute, as long as the court notifies the plaintiff. *LeSane v. Hall’s Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001). A court may dismiss an action under Fed. R. Civ. P. 41(b) if the plaintiff fails to notify the court of a new address and the court is

unable to contact the plaintiff. *See, e.g., Abdallah v. Ragner*, No. 12-CV-8840 (JPO), 2013 WL 7118083, at *4 (S.D.N.Y. Nov. 22, 2013) (“A plaintiff is required to notify the Court when his address changes, and failure to do so is sufficient to justify dismissal of a plaintiff’s complaint . . . If [the plaintiff] does not contact the Court and update his address within the time allowed, this action will be dismissed for failure to prosecute.” (citing *Fields v. Beem*, No. 13-CV-0005, 2013 WL 3872834, at *2 (N.D.N.Y. July 24, 2013) (collecting cases))).

The Court hereby notifies Plaintiff that he must update the court with his new address within 30 days of the date of this order. If Plaintiff does not comply with this order within the time allowed, the Court will dismiss this action, under Rule 41(b) of the Federal Rules of Civil Procedure, without prejudice to Plaintiff’s refiling it.

CONCLUSION

Within 30 days of the date of this order, Plaintiff must update the court, in writing, with his new address. Failure to do so will result in dismissal of the action without prejudice under Fed. R. Civ. P. 41(b) for failure to prosecute.

The Clerk of Court is directed to mail a copy of this order to Anthony Brown, B & C number 2412301011, George R. Vierno Center, 09-09 Hazen Street, E. Elmhurst, New York 11370.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: March 13, 2024
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge